



**IOWA DEPARTMENT OF NATURAL RESOURCES**

**July 21, 2005**  
**For immediate release**

**1. DNR enforcement actions**

**DNR ENFORCEMENT ACTIONS**

DES MOINES — The DNR took the following enforcement actions between June and July 2005, unless otherwise noted. Responsible parties have 30 days to appeal the charges or 60 days to pay the penalty. The following are only briefs; please contact Jessie Rolph Brown of the DNR for more information at (515) 281-5131.

- S. K. Food & Gas, Inc., of Bettendorf, and Diwan, LLC, of Davenport, were ordered to submit all leak detection records since July 2003 or acknowledge they do not exist, and immediately conduct a third party tightness test of the entire underground storage tank (UST) system and submit a report. S.K. and Diwan were also ordered to document that the UST and piping which failed a pressure test in August 2004 is emptied and properly temporarily closed, to retain a third party compliance assistance service to provide onsite training and conduct monthly operation and maintenance compliance inspections reporting, and to pay a \$7,300 penalty. The order is in regard to two USTs at a site in Davenport. This order was taken in February and S.K. Food and Gas has appealed. Diwan has not appealed.

In a separate administrative order, S.K. Food and Gas and Diwan were ordered to pay a \$6,000 penalty. The order is in regard to failure to report a release from a UST system. This order was taken in February and S.K. Food and Gas has appealed. Diwan has not appealed.

- Fred Schoolcraft, of Britt, was ordered to remove all illegally disposed solid waste at sites in Garner and Britt, provide documentation of proper disposal to the DNR and to pay a \$6,500 penalty. The order is in regard to the illegal disposal of appliances,

waste oil, waste tires, automotive batteries and other miscellaneous solid waste. This order was taken in January and the penalty has been paid.

- The Delores B. Van Ohlen Trust was ordered to remove all solid waste from its property in Hamilton County and pay a \$3,000 penalty. The order is in regard to open dumping and open burning of solid waste, which produced large volumes of smoke and other air pollutants. The solid waste also included appliances and asphalt shingles, which have the risk of releasing toxic substances when improperly disposed. This order was taken in December 2004 and the penalty has been paid.
- Randy Griffin, of Kellogg, was ordered to remove all illegally disposed solid waste on his property, to provide documentation of proper disposal to the DNR and to pay a \$5,000 penalty. The order is in regard to the open dumping and burning of construction and demolition waste and other miscellaneous solid waste at a site in Kellogg. This order was taken in December 2004 and has been appealed.
- Jerry Vander Platts, of Sheldon, was ordered to submit a complete manure management plan (MMP) and fees, and to pay a \$3,000 penalty. The order is in regard to failure to submit an MMP for a site in O'Brien County. This order was taken in October 2004 and has been appealed.
- Blaine Perry, of Aurelia, was ordered to submit information necessary to complete a manure management plan (MMP), and to pay a \$1,500 penalty. The order is in regard to failure to timely submit an MMP for a site in Cherokee County. This order was taken in October 2004 and the penalty has been paid.

### **Consent Orders**

A consent order is issued in settlement of an administrative order or as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

- Quad County Corn Processors Cooperative, of Holstein, agreed to an administrative consent order regarding air quality violations and failure to obtain a Prevention of Significant Deterioration permit for a Galva plant. Quad County agreed to pay a \$10,000 penalty and comply with a DNR compliance program.

In a separate administrative consent order, Quad County Corn Processors Cooperative agreed to submit a Title V operating permit application, submit other construction permit applications, submit emission inventories and Title V fees for 2002, 2003 and 2004, and to pay a \$10,000 penalty. The consent order is in regard to air quality violations and failure to obtain a Title V operating permit.

- Ed Cook, of Cherokee, agreed to a consent amendment regarding air quality violations. Cook agreed to pay a \$2,000 penalty, properly dispose of solid waste on his property and submit documentation of proper disposal. The penalty has been paid.

- Environmental Solutions, Inc., of Mills County, agreed to refrain from landfarming petroleum contaminated soils in Iowa for a period of 10 years, beginning July 1, 2005, and to pay a \$2,500 penalty. The penalty has been paid.
- Steve Grettenberg, of Dayton, agreed to pay a \$500 penalty in an amendment to a 2004 administrative order regarding animal feeding operations violations.
- Ysselstein Dairy, Inc., of Rock Valley, in accordance with a consent administrative order, has paid an \$8,000 penalty for manure control and reporting violations, and \$10,111.81 in wildlife damages restitution. The consent order is in regard to a 2004 manure discharge that led to a fish kill in an unnamed creek in Sioux County.
- Kenneth Spies and Duane Karsten, dba Spies Fur Company, of Manning, agreed to jointly pay a \$1,000 penalty. The consent order is in regard to the improper disposal of dead animals by open dumping carcasses in a cistern near Manning. The order was agreed upon in May and the penalty has been paid.
- The City of Mount Union agreed to an amended administrative order that grants an extension on the construction of its wastewater treatment facility. The due date for the preliminary engineering report has changed from June 1, 2005 to Oct. 1, 2005.
- Oakdale Pullets Farms, of Buena Vista County, agreed to pay a \$3,000 penalty in regards to a 2004 administrative order regarding failure to submit a manure management plan. The consent order was agreed upon in February.

### **Rescinded Orders**

The following orders have been rescinded by the DNR:

- Jerome Loutsch, dba J & L Excavating of Hinton: A 2004 order regarding open burning is rescinded as Loutsch was not present at the site of the open burning and he did not cause, allow or permit the open burning.
- Lake Place, of Clarion: A 2004 order regarding drinking water is rescinded, as Lake Place was sold and reopened by new owners.

**For more information, contact Jessie Brown at (515) 281-5131 or [Jessie.Brown@dnr.state.ia.us](mailto:Jessie.Brown@dnr.state.ia.us).**